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Fresno, California

March 14, 2006

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Henry Perea	Acting President
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Jerry Duncan	Council President

Andy Souza, City Manager
Jon Ruiz, Assistant City Manager
James Sanchez, Interim City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

PROCLAMATION OF "POISON PREVENTION WEEK" - COUNCILMEMBER STERLING

PROCLAMATION OF "H&R BLOCK FRESNO TAX ADVICE MONTH" - ACTING PRESIDENT PEREA

PROCLAMATION FOR JAMES ZMUDZINSKI, "EOC LOCAL CONSERVATION CORPSMEMBER OF THE YEAR" - COUNCILMEMBER BOYAJIAN

The above proclamations were read and presented.

APPROVE MINUTES OF MARCH 7, 2006:

City Clerk Klisch noted she received some corrections from Gloria Torrez and advised her comments would be amended per her request.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the minutes of March 7, 2006, approved as amended.

COUNCIL MEMBER REPORTS AND COMMENTS:

(1) REQUEST STAFF INFORM COUNCIL IN ADVANCE OF ANY PLANS TO BRING FORTH THE MUNICIPAL UTILITY DISTRICT (MUD) CONCEPT; AND (2) REQUEST FOR TIME LINE ON STAFF'S REPORT ON THE PARKS STUDY - COUNCILMEMBER CALHOUN

(1) Request made with Assistant City Manager Ruiz advising the MUD concept was working its way through the public utilities department and staff would be bringing the matter forth in the next 60 days and added a tray memo would be submitted in advance, and (2) upon question, Mr. Ruiz advised the parks commission completed their evaluation and staff would be reporting to Council by March 28th.

THANK YOU TO CITY MANAGER FOR PROVIDING MATERIAL ON AARLA - COUNCILMEMBER STERLING

Thank you extended with Councilmember Sterling stating she would meet with the city manager on the issue.

(1) UPDATE ON AB 1234 AND THE FOLLOW-ON F-16s AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT (FYI); AND (2) CONCERN WITH WEEKEND TV NEWS STORY ABOUT A NEW GOLF COURSE AT PALM LAKES - COUNCILMEMBER WESTERLUND

Councilmember Westerlund gave an update on his lobbying trip to Washington, D.C. and the various officials and staff he met with on the issue, and stated this matter would have to be pushed throughout the year adding it was a California issue and not just a Fresno issue.

Relative to Palm Lakes, Councilmember Westerlund expressed concern with the news story in which staff was touting a new golf course, stated he worked hard on the issue with the community and did not know there was a plan although he had heard about a concept, and stated he was perplexed that the story ran without it first coming before Council. Assistant City Manager Ruiz stated the concept of a nine-hole golf course had been discussed at Council as a possible future use and clarified if the concept were to move forward it would have to come before Council. Councilmember Boyajian and President Duncan later spoke to the issue.

LOBBYING TRIPS RELATIVE TO AB 1234, APPOINTMENT TO THE PEACE OFFICERS STANDARDS AND TRAINING (POST), AND TRANSPORTATION ISSUES - ACTING PRESIDENT PEREA

Acting President Perea spoke to his trips to Sacramento, advised his appointment by the governor to POST was confirmed, and stated his seat on that board meant Fresno had a seat at the table for the \$65 million statewide training pot for law enforcement needs.

Relative to transportation issues Acting President Perea noted the hot issue was the bond, stated he found out that while the \$1 billion for Freeway 99 would probably be there there was still a lot of parks money left on the table that the central valley was not going to benefit from, and stated it was probably time to start contacting state legislators and inquire about the funds the valley would not be receiving.

(1) FURTHER COMMENTS/CONCERN WITH THE PALM LAKES GOLF COURSE CONCEPT, AND (2) CONGRATULATIONS EXTENDED TO COUNCILMEMBERS DAGES AND PEREA FOR RUNNING FOR ANOTHER TERM UNOPPOSED - COUNCILMEMBER BOYAJIAN

Councilmember Boyajian stated a good friend of his and one of the best teaching pros in Fresno was interested in the driving range and had financial backing, stated the nine-hole golf course was a done deal if you talk with certain parks staff, expressed concern about not knowing if the individual interested in doing the driving range would be included in the scenario, and stated there needed to be some leadership, he did not want to see the individual edged out as he had a legitimate offer on the table, and he hoped this matter would be coordinated between the developer, Councilmember Westerlund, the Council, and the individual with the driving range proposal.

Councilmember Boyajian noted Councilmembers Dages and Perea would be running unopposed for their seats and would not have to run a campaign and congratulated them.

(1) FURTHER COMMENTS ON THE PALM LAKES GOLF COURSE NEW STORY; AND (2) ENFORCEMENT OF SOLID WASTE CONTAINERS IN VIEW - PRESIDENT DUNCAN

President Duncan advised he saw the golf course news story and stated it was not presented as a concept but as an almost for-sure thing that would occur within 3 years, stated he would have a real problem with the city again trying to compete with a segment of the private sector that is struggling to stay in business, noted golf courses at this time were in a tough market and he found the idea that the city would initiate a new golf course and take business and market share away from the private sector offensive, and stated before any more staff time is spent Council should perhaps provide input on whether or not they even want to consider another golf course.

Relative to solid waste containers in view President Duncan stated when the ordinance change was discussed it was his understanding containers hidden behind bushes would be ok, advised he was getting reports from constituents that staff was tagging cans hidden behind bushes, and stated the matter needed to be clarified and the tagging stopped if it was in fact going on.

APPROVE AGENDA:

(10:40 A.M.) HEARING TO CONSIDER PUBLIC USE AND NECESSITY FOR THE ACQUISITION OF A STREET EASEMENT AND IRRIGATION EASEMENT FROM RESIDENTIAL PROPERTY AT 2167 N. CORNELIA, APN 312-280-18s, OWNED BY ARTHUR E. AND HALAINE E. STEELEY, FOR THE CORNELIA STREET WIDENING PROJECT

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1. RESOLUTION - DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF THE EASEMENTS AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS

Continued to April 4, 2006, at 10:15 a.m. at the request of staff.

(10:20 A.M.) HEARING ON REZONE APPLICATION NO. R-05-61 AND ENVIRONMENTAL FINDINGS, FILED BY CENTEX HOMES ON BEHALF OF DAMRONG AND SOMLUCK PATTANUMOTANA AND AHMED KHALED, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF N. LOCAN AND E. SHIELDS AVENUES

1. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE 27.29 ACRES FROM AE-20 TO R-1.UGM AND THE REMAINING 28.22 ACRES TO R-2/UGM

Continued to April 18, 2006, at 10:35 a.m. at the request of Councilmember Westerlund.

(10:30 A.M.) HEARING ON REZONE APPLICATION NO. R-05-106 AND ENVIRONMENTAL FINDINGS, FILED BY ETHAN SMITH ON BEHALF OF DALE AND MARY MENDOZA AND LEE ROY AND EVELYN WELDON, PROPERTY LOCATED ON THE SOUTH SIDE OF W. NEILSEN BETWEEN S. HUGHES AND S. WEST AVENUES (Continue to April 4, 2006, at 10:35 a.m.)

Continued as noted.

(11:00 A.M.) CONTINUED HEARING ON CFD #11, ANNEXATION #2, TRACT #5316 (Continue to March 28, 2006, at 3:45 p.m.)

Continued as noted.

On motion of Councilmember Westerlund, seconded by Acting President Perea, duly carried, RESOLVED, the **AGENDA** hereby approved, as modified, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes	:	None
Absent	:	None

ADOPT CONSENT CALENDAR:

(1-A) AWARD A CONTRACT TO NIXON-EGLI EQUIPMENT IN THE AMOUNT OF \$184,814.33 FOR ONE PORTABLE VIBRATORY SCREEN PLANT

(1-B) AUTHORIZE A JOINT AGREEMENT BETWEEN THE CITY AND FRESNO COUNTY TO RECEIVE \$313,389 OF BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE/BUREAU OF JUSTICE, CONSIDER THE APPLICATION WITH PROPOSED SPENDING PLAN, AND COMPLETE ALL OTHER CONDITIONS WITHIN THE REQUIRED TIME FRAME

(1-C) ADOPT MINIMUM STANDARDS FOR AVIATION SERVICE PROVIDERS DOING BUSINESS AT THE FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT

(1-D) APPROVE ADDENDUM #8 TO THE FRESNO-CLOVIS SEWERAGE SYSTEM JOINT POWERS AGREEMENT

(1-E) APPROVE AN AGREEMENT TO THE AGREEMENT WITH QUAD KNOPF ENGINEERING IN THE AMOUNT OF \$72,105 TO PROVIDE ENVIRONMENTAL CONSULTANT SERVICES FOR A WATER TRANSMISSION MAIN INTERCONNECTION BETWEEN THE CITIES OF FRESNO AND CLOVIS, AND AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

(1-F) RESOLUTION NO. 2006-90 - 67TH AMENDMENT TO AAR 2005-286 APPROPRIATING \$125,000 FOR A TRENCH CUT RECOVERY COST FEE STUDY ON CITY STREETS

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(1-G) APPROVE THE SALE OF A 1,500 SQUARE FOOT ABANDONED WATER WELL SITE SOUTH OF E. MCKENZIE AND N. CHESTNUT AVENUE TO THE ADJACENT PROPERTY OWNER JUAN CARLOS ALEMAN, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND COMPLETE THE DISPOSAL OF THE SITE TO THE ADJACENT OWNER

(1-H) APPROVE SUBSTITUTION OF SUBCONTRACTOR FRESNO CONCRETE CONSTRUCTION, INC., WITH CHAZMAT CONCRETE CONSTRUCTION FOR THE CONCRETE IMPROVEMENT PORTION OF THE CLINTON AVENUE/NINTH STREET TRAFFIC SIGNAL INSTALLATION PROJECT

(1-I) APPROVE THE SALE OF A 3,150 SQUARE FOOT ABANDONED WATER WELL SITE AT WEST AVENUE AND FOUNTAIN WAY TO THE ADJACENT PROPERTY OWNERS ZAID ALTAHAN AND MAHA K. YAHYA, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND COMPLETE THE DISPOSAL OF THE ABANDONED WATER WELL SITE TO THE ADJACENT OWNERS

(1-J) AWARD A CONTRACT TO GRAHAM PREWETT, INC., IN THE AMOUNT OF \$148,000 FOR RE-ROOFING AND ASBESTOS REMOVAL FROM FIRE STATIONS 8 AND 10

(1-K) RESOLUTION NO. 2006-91 - 66TH AMENDMENT TO AAR 2005-286 APPROPRIATING \$15,000 IN 21ST CENTURY GRANT FUNDING FROM THE FRESNO UNIFIED SCHOOL DISTRICT FOR AFTER SCHOOL SCIENCE PROGRAMMING

1. APPROVE THE CORRESPONDING INDEPENDENT CONTRACTOR SERVICES AGREEMENT AND AUTHORIZE THE DIRECTOR OF PARKS, RECREATION AND COMMUNITY SERVICES TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

(1-L) RESOLUTION NO. 2006-92 - AUTHORIZING THE PURCHASE AND INSTALLATION FROM CHART INDUSTRIES, INC., OF A SUPPLEMENTAL 15,000 GALLON CAPACITY LIQUID NATURAL GAS (LNG) STORAGE TANK FOR THE EXISTING LNG FUEL STATION INFRASTRUCTURE IN AN AMOUNT NOT TO EXCEED \$609,462.52, WITHOUT ADVERTISED COMPETITIVE BIDDING

(1-N) APPROVE CONSULTANT AGREEMENT WITH FOX LAWSON & ASSOCIATES TO CONDUCT A CITYWIDE CLASSIFICATION AND COMPENSATION STUDY AND RELATED SERVICES, AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY, SUBJECT TO APPROVAL OF THE CITY ATTORNEY

(1-O) APPROVE MODIFICATIONS MADE TO THE CURRENT CONTROLLED SUBSTANCES AND ALCOHOL TESTING REGULATIONS AS IT APPLIES TO FRESNO AREA EXPRESS (FAX)

(1-P) RESOLUTION NO. 2006-93 - APPROVING THE FINAL MAP OF TRACT NO. 5196 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, SOUTHEAST CORNER OF S. ARMSTRONG AND E. KINGS CANYON ROAD

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR, THE PLANNING & DEVELOPMENT DIRECTOR, AND THE FIRE CHIEF TO EXECUTE THE NECESSARY DOCUMENTS

(1-Q) RESOLUTION NO. 2006-94 - INTENT TO ANNEX FINAL TRACT NO. 5457 TO CFD NO. 2, ANNEXATION NO. 110, AND SETTING THE REQUIRED PUBLIC HEARING FOR APRIL 18, 2006

(1-R) BILL NO. B-25 - ORDINANCE NO. 2006-27 - APPROVING PROCEDURES FOR THE 2006 WEED ABATEMENT PROGRAM, AND DECLARING THAT DRY GRASS WEEDS, TRASH AND DEBRIS ON VACANT LOTS AND LOTS WITH VACANT STRUCTURES POSE A SIGNIFICANT FIRE HAZARD IN THE CITY OF FRESNO

On motion of Acting President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes	:	None
Absent	:	None

(1-M) APPROVE SIDE LETTER AGREEMENT WITH THE FRESNO POLICE OFFICERS ASSOCIATION (FPOA) BASIC UNIT 4, PROVIDING FOR A COST OF LIVING ADJUSTMENT TO CERTAIN POLICE OFFICER RETIREES EFFECTIVE JANUARY 1, 2006

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On motion of Acting President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Item **1-M** hereby adopted, by the following vote:

Ayes :	Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes :	None
Absent :	None
Abstain :	Boyajian

(3-A) DIRECT EXPENDITURE OF FUNDS FOR THE BANKSIDE TRAILS PROJECT - COUNCILMEMBER BOYAJIAN

Councilmember Boyajian gave a brief overview, stated trying to get this implemented has taken three years and issues keep coming up and explained, and upon his request John Valentino of Tree Fresno and Mark Keppler spoke further to the project, submitted written material which is on file in the office of the city clerk, and stated they have worked hard on the project, the inherent difficulties were solvable, funding was available and needed to be appropriated to take the first step to solve issues, and the project had many advantages and the trails would be a tremendous amenity for the city and explained.

Councilmember Boyajian stated his concern was with the funding noting amounts seem to change, and presented questions and comments relative to how much money was currently available, staff's request to allow them to continue to "work through the process" and what that process entailed, if money was needed to work through the process and mitigate title issues, if existing funds would be kept for this project, if the grant money received was for trails/for this trail, and property acquisition being a prerequisite to the trail and this being a catch 22 situation, with Public Works Director Healey and Traffic Engineering Manager Mozier responding throughout. Grant Writer Williams stated staff was hoping the committee that was working on priorities for the parks UGM fees would recommend giving the funds necessary to do the quiet title and acquisition estimated at \$250,000. Councilmember Boyajian reiterated his frustration, noted the former director stated funding was available and now other issues keep coming up, and stressed something needed to be done to get this project started.

Interim City Attorney Sanchez spoke to and/or clarified issues relative to the uncertainty of ownership interest along the bank itself being the primary legal concern, to the quiet title action the Fresno Irrigation District (FID) proposed to undertake at a cost of \$250,000, to staff's concern with the high cost and their request that the FID reduce the dollar amount, to the FID losing interest in pursuing that action after staff made their request, and to the option of the City taking action to determine if the FID has funding necessary for quiet title action and subsequent agreement with them. Councilmember Boyajian stated he was aware of those issues, noted the FID's support has been up and down and added the County Counsel did not feel there was a big legal issue to pursue, and stressed it was crucial that funding be appropriated up to \$250,000 to get this project going. Mr. Sanchez stated if Council gives direction to appropriate funding staff would go forward and work out a deal on the legal issues with the FID and added they would most likely step up and run with the quiet title action.

A motion and second was made to direct staff to appropriate funds, up to \$250,000, to get the project started.

Extensive discussion continued. Acting President Perea stated he would not support re-programming the funds at all stressing the money was meant for this trail; emphasized it was time to move forward and get the trail moving as people have been talking about this happening for many years; stated he was curious to see the parks commission's report as it was his understanding there was very little open space requirements for the inner-city, downtown, and the trails and he hoped UGM fees would be utilized city-wide; and urged Council to support the motion on the floor. Councilmember Calhoun stated he was supportive of moving this process forward but was tired of discussing it; stated this was a classic bureaucratic snafu and he was suspicious; questioned what this motion would do if passed, if Council was possibly skipping a step, and if Council should request a written report with all details laid out before making a motion; stated he wanted to make sure this motion does not disappear in the ozone and with the budget coming up he wanted to make sure the mayor and city manager were hearing Council on this matter; and requested staff provide interim status reports on the matter including any stumbling blocks, with Mr. Sanchez responding to questions. Councilmember Boyajian clarified implicit in his motion was the \$500,000 programmed for this project not be programmed somewhere else. Mr. Healey and Mr. Sanchez responded to questions/comments of Councilmember Westerlund relative to who the project manager was, need for a project manager other than Mr. Healey, if there was anything to prohibit the City from initiating quiet title action, need to get the quiet title done, and his opposition to

re-programming the funds.

Upon the request of City Manager Souza, Mr. Mozier explained the term "re-programming", clarified what staff has been presenting, and responded to questions relative to whether the Bankside Trails would still be a COG priority if project orders were flipped and if this was just a matter of timing in terms of when the grant dollars would be spent.

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Councilmembers Westerlund and Boyajian presented additional questions/comments relative to how long the City has had the grant money for the project, if environmental work needed to be conducted before the money could be used, funding source for the environmental work, why staff has not already conducted the work, why the work has not been authorized, if staff has written to Caltrans asking for an extension, and concern that the environmental work was not initiated way before this.

President Duncan stated he was struggling and trying to understand the impact of the motion and upon his questions Mr. Souza stated the motion in and of itself did not pose the risk of losing the funds, clarified his concern was with the discussion on not re-programming the balance and explained, stated staff would immediately engage in moving \$250,000 for acquisition if that was Council's will, stated there was a good possibility/probability the \$250,000 could be spent on lawyers rather than construction, stated if this motion were to fail staff would continue to work with FID, and confirmed the downside of the motion was that up to \$250,000 of trail money could be spent on something other than the trails.

On motion of Councilmember Boyajian, seconded by Acting President Perea, duly carried, RESOLVED, staff directed to appropriate up to \$250,000 for the Bankside Trails Project, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund
Noes :	Duncan
Absent :	None

(9:00 A.M.) PUBLIC COMMENT PERIOD:

(A) SCHEDULED COMMUNICATION:

APPEARANCE B ALLEN BOONE TO DISCUSS COMMUNITY CONCERNS RELATING TO THE HEALTH AND SAFETY OF CHILDREN AND SCHOOLS

Mr. Boone expressed concerns relative to the possible health effects on children of Addams School and their families from some towers/communications systems at the CHP/Caltrans facility a mile away at Olive/99, and requested Council seriously consider this issue and the two state agencies who he stated were misleading the public and explained. There was no discussion.

(B) UNSCHEDULED COMMUNICATION:

Upon call, no one wished to be heard.

A visiting class from Mt. View Elementary School was recognized and welcomed.

(9:15 A.M.) GENERAL ADMINISTRATION:

("A") RESOLUTION NO. 2006-95 - 68TH AMENDMENT TO AAR 2005-286 APPROPRIATING \$1,650,000 FOR THE CONSTRUCTION AND EQUIPPING OF THE FEDERAL INSPECTION STATION (FIS) AT FYI

Aviation Director Widmar introduced key staff and Mexicana officials involved in this project, and reviewed the issue as contained in the staff report and gave a time-elapsd video presentation on the construction of the station **(3 - 0)**.

Councilmember Westerlund commended all involved, spoke to his tour of the station and along with Mr. Widmar commented

briefly on facility components/rooms/materials, and made a motion to approve staff's recommendation. Acting President Perea seconded the motion, also commended everyone involved for doing a great job in the tight timeframe, and commended Mexicana Airlines and stated he hoped this would be the first of many international flights. Councilmember Boyajian and President Duncan also commended all involved and thanked Mr. Widmar for his work with the ag community and for addressing their concerns.

On motion of Councilmember Westerlund, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Resolution No. 2006-95 hereby adopted, by the following vote:

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Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
 Noes : None
 Absent : None

("B") RESOLUTION NO. 2006-96 - 69TH AMENDMENT TO AAR 2005-286 FOR THE REBUDGET OF CAPITAL PROJECTS TO MEET FEDERAL USE REQUIREMENT TIMELINES, TO CONSTRUCT BICYCLE LANES ON "C" STREET BETWEEN FRESNO AND VENTURA STREETS AND ON FRUIT AVENUE BETWEEN CLINTON AND DAKOTA AVENUES, AND TO CONSTRUCT OTHER IMPROVEMENTS ON MAJOR STREETS

Assistant Public Works Director Kirn reviewed the issue, all as contained in the staff report as submitted.

Speaking in support were: Kendall Simsarian, 1060 Fulton Mall, and Nick Paladino, 8735 N. Cedar #130, member of the City's Bicycle Committee and the Fresno Cycling Club, who also spoke to the rebudgeting of the CMAQ funds and spending requirements.

Discussion ensued and Mr. Kirn, Interim City Attorney Sanchez, Traffic Engineering Manager Mozier and Assistant City Manager Ruiz responded to questions and/or comments of Councilmembers Dages, Boyajian, Calhoun and Sterling relative to whether businesses were notified, how the funding portion related to the earlier Bankside Trails action, why bike lanes were not being pursued for Ashlan/Maroa, need for staff to not overreact to parking impacts/removal, what staff and the bicycle committee take as Council direction in terms of parking, if notification was not being done due to the cost involved, concern with policies staff is following and hope that staff is not taking some type of direction of no bike lanes if someone "gripes", need to make a statement in the heart of the city, the city neglecting its' responsibilities by placing bike lanes in outlying areas, need for staff/the committee to bring challenges forth, if bike lanes would be on both sides of "C" Street, why the "C" Street area was chosen, and need to inform "C" Street businesses.

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2006-96 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
 Noes : None
 Absent : None

("C") APPROVE DOCUMENTS REGARDING THE FIRE/LAW ENFORCEMENT ADMINISTRATIVE COMPLEX AND SHARED COMMUNICATIONS DISPATCH CENTER FOR THE FIRE DEPARTMENT, POLICE DEPARTMENT AND FRESNO COUNTY SHERIFF'S DEPARTMENT

- 1. ACCEPT THE SPATIAL NEEDS ASSESSMENT FINAL REPORT FOR THE COMPLEX/CENTER**
- 2. APPROVE AN AMENDMENT TO THE AGREEMENT WITH RRM DESIGN GROUP, INC. (RRM) TO PREPARE PROJECT BRIDGING DOCUMENTS AND PROVIDE REQUEST FOR PROPOSAL (RFP), AND DEVELOPMENT ASSISTANCE FOR THE JOINT COMPLEX/CENTER**

Public Works Director Healey introduced Herb Roth and Mark Graham of RRM whom staff has been working with since last August when the contract was awarded, and Mr. Graham, Project Director, presented the issue speaking to the study that was conducted and what it entailed.

Councilmember Calhoun stated this was a move in the right direction and he was excited about it, presented questions/comments relative to his assumption that this is a City/fire & police issue and not the sheriff's department, how Fresno County fit into this, the proposed size and concern that the City is not over-building, how staff planned to work through this process, support for item C-1, and item C-2 involving money and request to separate the two issues. A motion and second was made to approve item C-1.

Acting President Perea congratulated staff, stated approval of these actions would show the City's commitment to consolidation and added it would this would also be a model to look at other opportunities for consolidation, and made a motion to approve item C-2.

Councilmember Sterling thanked all involved and spoke in support stating this was a collaboration and not a separation, it would be major, it would make a significant imprint on the city's future, and she hoped to see all on board. Councilmember Boyajian presented questions relative to the fire department's space and why it was so small **(4 - 0)**, the departments' needs and future plans with rural fire districts, where

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RRM got its information, how they arrived at the cost analysis, what was considered, if this was a standard building without a lot of bells and whistles, if this was mainly a functional building that would meet needs, if there would be multiple buildings, and who was going to make the cost decisions, with Chief Bruegman, Mr. Graham and Mr. Healey responding throughout.

Another visiting class from Mt. View Elementary School was recognized and welcomed.

Discussion continued with Mr. Graham and Chief Dyer responding to questions and comments of Councilmembers Westerlund and Calhoun relative to the projected footprints/setbacks and if homeland security defense was taken into consideration, square footage of the building, service life/site development/future expansion, plans for consolidating prisoner handling, cost for the bridging document, need for a partner and why the city had to upfront the \$250,000, if the bridging document required a site, importance of Fresno County committing at stage 2, and desire to see the County sign in with \$30,000 as soon as possible. Councilmember Dages and President Duncan congratulated all involved and expressed their support with President Duncan encouraging the media to visit the fire headquarters if there was any doubt about the need and adding impact fees would pay for a good portion of the project.

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, RESOLVED, the Spatial Needs Assessment Final Report for the Fire/Law Enforcement Administrative Complex and Shared Communications Dispatch Center for the Fire Department, Police Department and Fresno County Sheriff's Department hereby accepted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : None

On motion of Acting President Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the amendment to the agreement with RRM Design Group, Inc., hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : None

(10:00 A.M.) HEARING TO CONSIDER THE VACATION OF A PORTION OF BROWNING AVENUE EAST OF BRAWLEY AVENUE - R.I. 1049-D

1. RESOLUTION NO. 2006-97 - ORDERING THE VACATION

President Duncan announced the time had arrived to consider the issue and opened the hearing.

Supervising Engineering Technician Polsgrove reviewed the issue as contained in the staff report as submitted.

Upon call, no one wished to be heard and President Duncan closed the hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2006-97 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : None

Absent : None

(10:15 A.M.) HEARING ON REZONE APPLICATION NO. R-05-24 AND ENVIRONMENTAL FINDINGS, FILED BY UNION COMMUNITY HOLDINGS, PROPERTY LOCATED AT THE SOUTHWEST CORNER OF S. TEMPERANCE AND E. KINGS CANYON ROAD

1. CONSIDER AND ADOPT E.A. NO. R-05-24/T-5500, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. **BILL NO. B-28 - ORDINANCE NO. 2006-28** - AMENDING THE OFFICIAL ZONE MAP TO RE ZONE THE SUBJECT PROPERTY FROM AE-20.UGM TO R-1/UGM

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President Duncan announced the time had arrived to consider the issue and opened the hearing.

Planner Braun advised there might be an issue relative to a canal and explained there was no requirement to pipe the canal, and stated the staff report as submitted was complete.

Speaking to the issue were: James Marshall, 277 Temperance, who expressed concerns relative to the canal and to how the area was developing under the general plan and explained; and Ken Crabtree, 3591 W. Locust, who thanked all involved and requested support.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

Councilmember Dages advised he met with the developer and worked out a few issues and added he had heard no concerns except for today, and made a motion to approve staff's recommendation, which motion was seconded and later acted upon.

Mr. Braun and Councilmember Dages responded to questions of Councilmembers Boyajian and Westerlund relative to location of the power lines and if there were no homes there, if the developer was contributing to infrastructure/traffic signals, when the signal would be installed, if the project would tie into the trail, if the trail would be landscaped, if canal concerns would be mitigated, and the widening of the bridge on Temperance and if the project would pay into the bridging.

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, **RESOLVED**, the environmental finding for E.A. No. R-05-24/T-5500 dated December 27, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-28 adopted as Ordinance No. 2006-28, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
 Noes : None
 Absent : None

Interim City Attorney Sanchez announced the closed session items Council would be considering at 2 p.m., and President Duncan advised he would be recusing himself from Item #6 due to property interest he had at Belmont and Temperance Avenues.

LUNCH RECESS - 11:45 A.M. - 2:00 P.M.

(2:00 P.M. #2) CLOSED SESSION:

("A") CONFERENCE WITH LEGAL COUNSEL/EXISTING LITIGATION - CASE NAMES:

1. JOHN CHRISTOPHER HAMOY V. COF, ET AL.
2. VICTORIA L. MUNOZ V. HEATHER ROSE CATES, MICHELLE HERNANDEZ, JERRY A. WENGERD, AND DOES 1 TO 10 INCLUSIVE; CITY OF FRESNO, PLAINTIFF IN INTERVENTION
3. SHARON BERTAO OBO LAWRENCE BERTAO (DEC'D) V. COF, ADMINISTERED BY AARLA
4. COF V. MADERA COUNTY BOARD OF SUPERVISORS, ET AL (RIVER RANCH) (STANISLAUS COUNTY)
5. COUNTY OF MADERA V. COF, FRESNO CITY COUNCIL (PARK PLACE) (FRESNO COUNTY SUPERIOR COURT CASE)
6. COUNTY OF MADERA V. COF, FRESNO CITY COUNCIL (FANCHER CREEK) (SACRAMENTO COUNTY, SUPERIOR COURT CASE)

The City Council met in closed session in Room 2125 at the hour of 2:00 p.m. to consider the above matters (with President Duncan recusing himself from #6) and reconvened in regular open session at 2:56 p.m.

(2:30 P.M.) ASSESS FULTON MALL AND MAKE RECOMMENDATIONS TO THE COUNCIL AND REDEVELOPMENT AGENCY BY SEPTEMBER 1, 2006 - COUNCILMEMBER CALHOUN

Councilmember Calhoun thanked former council member Craig Scharton of One by One Leadership and a current activist in economic development for all the assistance he provided him in helping to reach out to the community, read his report as submitted to Council into the record explaining the matter **(5 - 0)** and what he was proposing, and made a motion as outlined in his report. The motion was seconded by Acting President Perea and later acted upon.

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Craig Scharton, One by One Leadership, displayed photos of various Fulton Mall businesses and vacant buildings, stated everyone needed to get past the "traffic/no traffic" issue and the solution for the mall had to come from the community, stated the mall had a high degree of vacancies and was dead in the evening and elaborated, and spoke in support of, and the need for, the public and private sectors to engage in a process to reach a consensus and provide options to Council.

Speaking in support of the motion, to the need to do something, and/or offering suggestions/recommendations to make the mall successful were: Jeanette Jurkovich, 1130 W. Roberts; Mick Marderosian, 1260 Fulton Mall, owner of the building at Fulton & Merced; Elliott Balch, 1394 N. Linden; Anidelle Flint, 254 W. San Bruno; Hal Tokmakian, 2721 E. Garland, Gary Malasian, 2727 W. Bluff; Mabelle Selland, 7442 N. Millbrook; Paula Mickalian, 1701 E. Stuart; Linda Zachritz, 2014 Tulare; Joyce Aiken, Fresno Arts Council, 1245 Van Ness; Jonathan Richter, 400 W. Audubon; Ashley Swearingen, 6414 N. Harrison; and Gloria Torrez **(6 - 0)**.

Lengthy discussion ensued. Councilmember Sterling stated she was opposed to opening up the mall to traffic, stated she agreed housing was needed on the mall and noted upcoming projects in the downtown area all included housing, and spoke to the Mayor's Creative Economy Council (CEC) report and questioned if Councilmember Calhoun would incorporate his matter into the city manager's review of the CEC report instead of directing another study and expending additional money, with Councilmember Calhoun stating he would not. Councilmember Sterling stated she could not support the motion and explained. Councilmember Boyajian stated if the will was there it would not be hard to make downtown viable, expressed his concern stating the will of the city has not been to support downtown and elaborated, stated a moratorium was needed on high rises outside of downtown, stressed another study and plan was not needed and the Cental Area Plan needed to be supported, and reiterated it was going to take more than a study and would take the will of the Council for downtown to flourish. Councilmember Dages stated the report needed to define what the community wanted to see downtown, stated resources were needed behind "the will to do it", stated the city needed to assist/subsidize developments/projects, spoke to vacant buildings and rental prices and clarified the city had no control over downtown buildings' square footage prices, spoke to the city's investment and his desire to see the tax return before going forward, stated he also wanted the report to include how many people needed to live downtown and participate to make it viable, relative to speaker comments stated he also supported naming rights, added he wanted to see the city establish a Fulton Mall events coordinator position, stated work had to be done on the perception of downtown and parking changes were needed, and stated there were going to be many solutions -- not just one -- to make the mall successful.

City Manager Souza stated the mayor also had some ideas and would be weighing in on the issue, referencing speaker comments stated the stadium was never seen as the sole savior of downtown clarifying it was only one part of the multiple things that were happening, relative to naming the stadium stated the city did not have the naming rights under the lease agreement, and added staff was looking internally on ways to generate resources.

Acting President Perea expressed his support for the motion, stated he did not see this as a study but as an opportunity to solicit public input on what the city of Fresno should do to revitalize the mall and receive specific recommendations/options so Council can take some action, and commended Councilmember Calhoun for bringing this forth stating this was a very good opportunity for Council to finally react to options and recommendations to see some activity on the mall. President Duncan concurred, referenced comments made and clarified issues relative to sales tax generated on the mall, strongly disagreed that people did not want to go downtown and pointed out downtown and the mall were contained in "Vision 2010 Plan" and staff was following that direction, took exception to the statement that "Council did not have the will" stating the city now had historic levels of private investment, stressed no one was stopping anyone from investing in downtown Fresno and added the Hilton Hotel proposal did not work out as the individual wanted the city to fill a gap of \$18 million, elaborated on and clarified issues relative to parking and upon his question Mr. Souza stated if the city got rid of downtown parking maintenance costs would be \$4 million annually, stated he was excited about this and was pleased to support the motion, and concluded stating the mall was severely challenged and it was critical that everyone give it their best shot as it was a good resource that

deserved the best. Councilmember Dages clarified he never said there should be *free* parking.

On motion of Councilmember Calhoun, seconded by Acting President Perea, duly carried, RESOLVED, (1) the city manager and redevelopment director requested to appoint staff to work with community members to oversee the collection of data through a public process so Council and the Agency can make a decision on how to proceed with the Fulton Mall, and (2) the city manager and RDA director shall identify resources or funding as deemed necessary to ensure a successful community event, by the following vote:

Ayes : Calhoun, Dages, Perea, Westerlund, Duncan
 Noes : Boyajian, Sterling
 Absent : None

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RECESS - 4:33 P.M. - 4:45 P.M.

(4:00 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed at 4:45 p.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF JANUARY 10, 24 AND 31, 2006

On motion of Councilmember Dages, seconded by Acting President Perea, the Agency minutes of January 10, 24 and 31, 2006, approved as submitted.

("A") HEARING TO CONSIDER AMENDING THE CHINATOWN EXPANDED REDEVELOPMENT PLAN

- 1. AGENCY RESOLUTION - APPROVING AND ADOPTING THE REPORT TO THE CITY COUNCIL AND AUTHORIZING ITS SUBMISSION TO THE COUNCIL**
- 2. BILL - ADOPTING E.A. NO. RDA-2005-05, A MITIGATED DECLARATION, AND AMENDING THE CHINATOWN EXPANDED REDEVELOPMENT PLAN (Council action)**

Chair Sterling announced the time had arrived to consider the issue and opened the hearing.

RDA Project Manager Freeman introduced RDA consultants Ernie Glover and Bruce O'Neill, PAC Chair Jim Connell, and PAC members Nadar Ali and Mike Yada. Mr. Glover gave a PowerPoint presentation on the issue which included a description of the area, planned land uses, examples of blight, the proposed amendments (**7 - 0**), the acquisition map, a progress report on the planning process, and the recommendations of the HCDC and Planning Commission to approve the plan amendments as proposed. Interim City Attorney Sanchez clarified this was a public hearing and the considerations, including public testimony, would be part of the hearing.

Speaking to the issue were: Jim Connell, PAC Chair and Poverello House Executive Director, who spoke further to the issue and to the process and work that was undertaken, and stated the idea of this was to preserve as much as possible and stressed businesses needed to remain where they were and continue to operate; Brunette Harris, resident of the 93706 area, opposed to eminent domain; Benjerman Raya, property owner of 2615 Tuolumne, opposed to eminent domain; David Owens, owner of the Azteca Theater, 838 "F" Street, support for the amendments; Margie Harris, 909 E. Chester, opposed to eminent domain; Margie Haymon, 1135 E. Dorothy, opposed to eminent domain; Michael Yada, original member of Chinatown Revitalization/current PAC member, who submitted and read into the record a letter from Chinatown Revitalization, Inc. of Fresno in support of the Chinatown Project, on file in the office of the city clerk; Nadar Ali, Chinatown Revitalization Board Member/PAC Vice Chair/President-CEO of Salom Seafood, 841 "F" Street, support; Gloria Stanfield, property owner of 1129 "F" Street, support for west Fresno improvements; Gary Malasian, 2727 W. Bluff, who spoke to the need to remove weeds; Alejandro Cervantes, business/property owner of 1333 Kern Street, concern with eminent domain; and Daryl Mohamed, concern with the ability of current business owners to remain when new development comes in.

Upon call, no one else wished to be heard and Chair Sterling closed the public hearing.

Chair Sterling and Mr. Sanchez advised three written objections were received, two of which had not yet been responded to, and redevelopment law required written findings be made to each objection, recommended Council/Agency deliberations be continued to April 4th so staff could respond to the objections, and clarified the public hearing was officially closed and it would not be reopened on April 4th.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, Council/Agency deliberations continued to April 4, 2006, at 3:00 p.m., by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Westerlund, Sterling
Noes : None
Absent : None

("B") CONSIDER MATTERS RELATING TO THE ACQUISITION OF FOUR (4) PARCELS AT THE SOUTHWEST CORNER OF KINGS CANYON ROAD AND BECKER AVENUE IN THE SOUTHEAST FRESNO REVITALIZATION REDEVELOPMENT PROJECT AREA FOR CONSTRUCTION OF A NEW POLICE SUBSTATION

1. AGENCY RESOLUTION NO. 1674 - ADOPTING MITIGATED NEGATIVE DECLARATION NO. EA-RDA-05-04

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2. APPROVE AND AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO A PURCHASE AND SALES AGREEMENT FOR THE FOUR PROPERTIES KNOWN APNs 470-081-03, -04, -05 AND -06 (Agency action)

Executive Director Murphey reviewed the issue as contained in the staff report as submitted, recommended approval, and for the record advised the correct street spelling was "Backer" and not "Becker" as indicated in the staff report, and noted the site was an aggregate of 1.01 acres.

Councilmember Dages spoke in strong support of the project stating there were no negatives, thanked all involved for their work and efforts, and made a motion to approve staff's recommendation.

Ms. Murphey, Police Lt. Reed and the developer of the Asian Village Shopping Center project responded to questions of Councilmember Boyajian relative to the size of the substation, how many officers would be there, where the current substation was located, when the facility would be occupied, and the Asian Village project.

Chair Sterling spoke briefly and expressed her support for the project.

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Agency Resolution No. 1674 hereby adopted, and the Agency approves and authorizes the executive director to enter into a Purchase and Sales Agreement for the four properties, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Westerlund, Sterling
Noes : None
Absent : None

ADJOURNMENT

There being no further business to bring before the joint bodies, the hour of 5:42 p.m. having arrived and hearing no objections, Chair Sterling declared the joint meeting and the City Council meeting adjourned.

Approved on the 28th day of March, 2006.

/s/ Cynthia Sterling, Agency Chair ATTEST: /s/ Yolanda Salazar, Assistant City Clerk

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